



COUNTY OF LOS ANGELES
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January 24, 2012

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

SETTLEMENT OF CONDEMNATION CASE
PEOPLE OF THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE DEPARTMENT OF
TRANSPORTATION v. COUNTY OF LOS ANGELES, ET AL.,
LOS ANGELES SUPERIOR COURT CASE NUMBERS BC404877, BC448447, AND BC448448

SUBJECT

Recommendation to settle three eminent domain actions by the State of California, Department of Transportation ("Caltrans") against the County of Los Angeles ("County") to acquire real property along a portion of an undeveloped County park known as Shady Bend Park ("Park"), located in the unincorporated Llano Community in the Antelope Valley, to construct improvements in connection with the widening of State Route 138, also known as Pearblossom Highway ("Project").

IT IS RECOMMENDED THAT YOUR BOARD:

AFTER THE PUBLIC HEARING IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that the offer of compensation received from Caltrans in the amount of \$108,410, for the taking of the County's park land complies with the requirements of the Public Park Preservation Act of 1971.
2. Authorize the Office of the County Counsel to settle the three eminent domain lawsuits by accepting total compensation in the amount of \$108,410, plus interest at the statutorily-prescribed rate, from the date of possession, May 16, 2011, to the date of payment, and to stipulate to the judgment and final order of condemnation, as described herein.
3. Instruct the Auditor-Controller and the Chief Executive Office to coordinate with the Department of

Parks and Recreation ("Parks") to deposit the sales proceeds into the appropriate trust fund pursuant to the Public Park Preservation Act.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

A proposed settlement of these condemnation actions has been reached with representatives of Caltrans and the Los Angeles County Chief Executive Office ("CEO") and the Department of Parks and Recreation. Your Board's authorization is required to accept the agreed compensation from Caltrans and for County Counsel to stipulate to the judgment and final order of condemnation.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1). Acceptance of the revenues from this settlement will be used to acquire substitute park land of comparable characteristics and substantially equal size located in the general area of the Park. In addition, the settlement will avoid litigation costs that would be incurred should the cases proceed to trial.

Strategic Asset Management Principles Compliance

Not Applicable

FISCAL IMPACT/FINANCING

Caltrans will pay to the County the sum of \$108,410 for the acquisition of the property, plus interest at the statutorily-prescribed rate, from the date of possession, May 16, 2011, to the date of payment of the settlement funds. This amount will be paid and deposited into the Shady Bend Trust Fund and earmarked to be used to acquire substitute park land of comparable characteristics and substantially equal size located in the general area of the Park.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Park is located directly to the north side of Pearblossom Highway (State Route 138), immediately west of 175 Street East. It consists of approximately 46 acres of undeveloped desert land conveyed to the County during the 1950's for park purposes, and was named Shady Bend Park by your Board on March 28, 1961. The Park is immediately east of the Llano Del Rio Colony ruins as shown on the attached map.

Caltrans filed the three eminent domain actions to acquire, in fee, a 4.82 acre strip of land in the southerly portion of the Park, directly adjacent to Pearblossom Highway to construct improvements in connection with the widening of that Highway.

The Park Preservation Act of 1971 (California Public Resources Code ("PRC"), commencing with section 5400), requires the County to either receive payment or replacement property whenever park land is acquired by another entity for non-park purposes.

Under PRC section 5406, when an offer of compensation is made, as in the instant cases, the legislative body of the entity operating the park may enter into an agreement with the entity acquiring

the property to the effect that the acquiring entity has complied with PRC section 5405 in determining the amount of compensation it has offered. Such agreement may be entered into only after a public hearing.

PRC section 5405 provides that the amount of compensation which must be paid for the acquisition of park land must equal the cost of acquiring substitute park land of comparable characteristics and of substantially equal size located in the area of the existing park land.

Based on the notices of deposit, appraisal data, and summaries submitted by Caltrans, the CEO has determined that the amount of compensation offered by Caltrans complies with the requirements of PRC section 5405.

PRC section 5404 requires the County to use the payments received under this settlement to acquire substitute park land.

Notice of the public hearing for the proposed settlement, including Caltrans' acquisition of the property, the purpose of the acquisition, and the amount of compensation offered by Caltrans, has been conspicuously posted along the outside boundaries of Shady Bend Park, and along the area proposed to be acquired for 45 days, in accordance with PRC section 5406.

The CEO and Parks concur with County Counsel that the proposed settlement is appropriate and reasonable.

ENVIRONMENTAL DOCUMENTATION

The settlement of these eminent domain actions does not meet the definition of a County project as defined in California Environmental Quality Act ("CEQA") section 21065 because it solely pertains to the amount of just compensation Caltrans will pay to the County for the compelled acquisition of the County's property interests, and as such, there is no discretionary act by the County that will cause a direct physical change or a reasonably foreseeable indirect physical change to the environment.

CONTRACTING PROCESS

Not applicable.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no impact to County's services as a result of the proposed settlement.

CONCLUSION

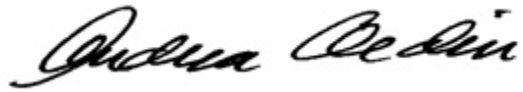
The proposed settlement is reasonable to both parties and is in the best interest of the County. It is requested that the Executive Officer of the Board of Supervisors return one conformed copy of this letter to the Office of the County Counsel, and to the Chief Executive Office, Real Estate Division. Additionally, please provide a conformed copy of this Board letter to Department of Parks and Recreation, Planning Division.

The Honorable Board of Supervisors

1/24/2012

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrea Sheridan Ordin". The signature is fluid and cursive, with the first name "Andrea" being more prominent than the last name.

ANDREA SHERIDAN ORDIN

County Counsel

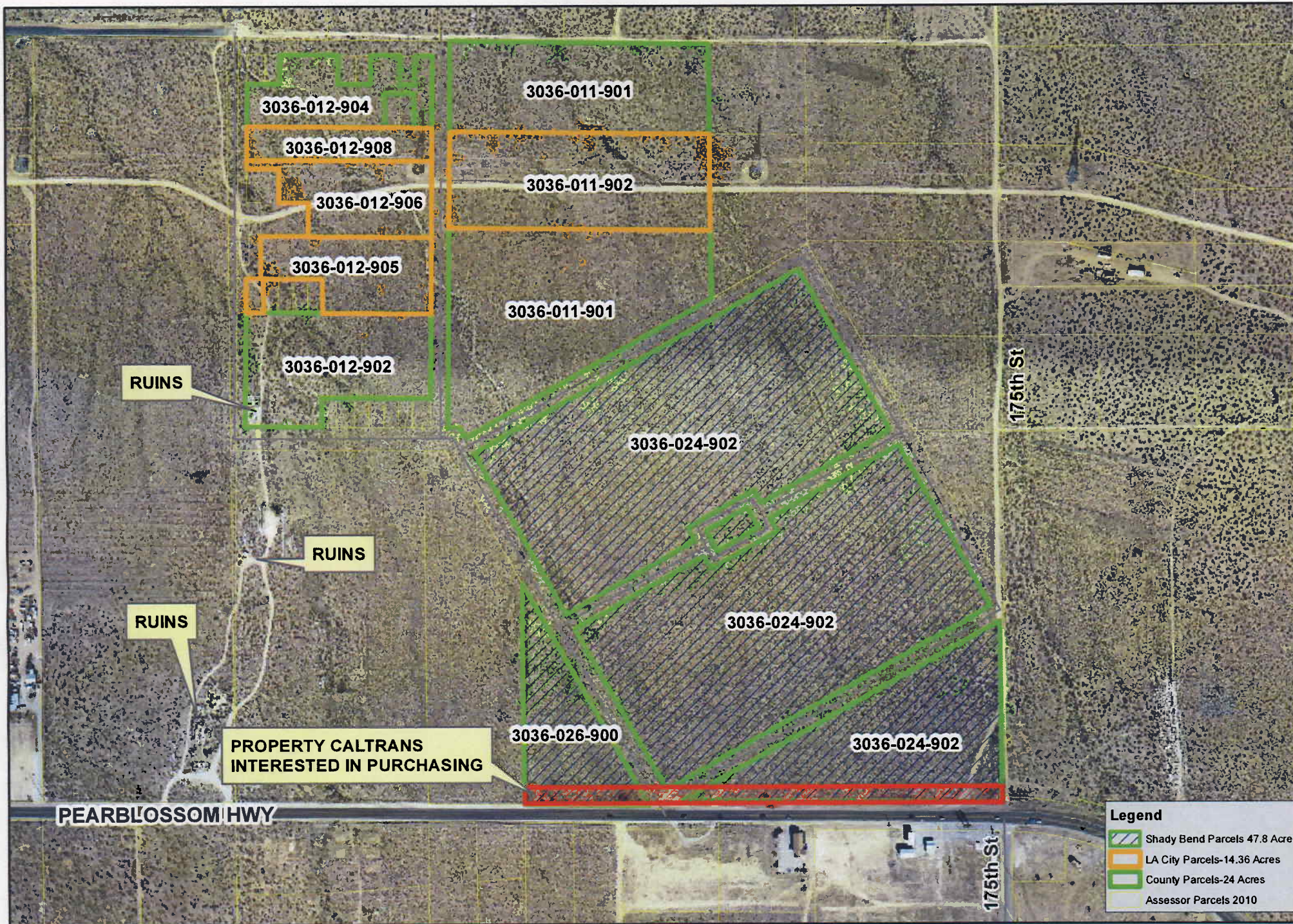
ASO:TH:lm

Enclosures

c: William T. Fujioka
Chief Executive Officer

Sachi A. Hamai, Executive Officer
Board of Supervisors

Russ Guiney, Director
Department of Park and Recreation



Legend

- Shady Bend Parcels 47.8 Acres
- LA City Parcels 14.36 Acres
- County Parcels 24 Acres
- Assessor Parcels 2010

SHADY BEND PARCELS